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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,628	07/31/2001	Chien Teh Huang	MR1957-572	1548

4586 7590 06/12/2003

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER
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SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

U5

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/917,628 Examiner Jon A Szumny	HUANG, CHIEN TEH Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 May 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

This is the fourth office action for application number 09/917,628, Retaining and Fixing Structure of Raised Floor Holder, filed on July 31, 2001.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitchurch et al. (3,830,468) in view of Marshall (4,934,706), and further in view of U.S. Patent number 4,996,804 to Naka et al.

Whitchurch shows a holder body (32) having a screw hole thereon, a pipe cover (43) disposed at a top of the holder body and having a large diameter portion and a small diameter portion situated below the large diameter portion, wherein the small diameter portion is matched inside the top of the holder body and comprises an annular retaining groove (50). A fixing stud (52) screwed into the screw hole of the holder body, a first end of the stud being matched into the annular groove of the pipe cover. The pipe cover has an assembly hole (44) thereon, with a plate (48) being disposed above the holder body, a rod (46) fixedly disposed at a bottom of the plate, and the rod matched into the assembly hole. Whitchurch however does not show the second end of the fixing stud having a knurled circular turn knob. Knobs are well-known in the art and Marshall shows a fixing stud (20) with a circular knurled knob (21). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

included a circular knurled knob as taught by Marshall onto the stud by Whitchurch to facilitate turning of the stud.

Moreover, Whitchurch et al. '468 in view of Marshall '706 further fail to specifically teach the large-diameter portion to define about an axis thereof a polygonal/hexagonal outer contour. Nevertheless, Naka et al. '804 divulges a retaining and fixing structure including a holder body (7) and a pipe cover (5) having large and small diameter portions, wherein the large diameter portion defines about an axis thereof a polygonal/hexagonal outer contour. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the larger diameter portion of Whitchurch et al. '468 in view of Marshall '706 to be polygonal/hexagonal in outer contour as in Naka et al. '804 in order to facilitate rotation of the pipe cover, in addition to providing an alternate rotation means.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitchurch et al. (3,830,468) in view of Marshall (4,934,706), and further in view of Naka et al. '804, and further in view of Holzbach (3,027,140).

Whitchurch in view of Marshall, and further in view of Naka et al. combined show all features claimed by the applicant's invention including the assembly hole (44) being a screw hole, the rod body (46) being a screw rod and the rod body being screwed into the assembly hole. Whitchurch in view of Marshall, and further in view of Naka et al. combined though do not show a screw nut on the rod body. Holzbach shows a rod body

(5) with a screw nut (11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a screw nut as taught by Holzbach on the rod by Whitchurch in view of Marshall, and further in view of Naka et al. combined to lock the rod in place. This is well-known in the art.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitchurch et al. (3,830,468) in view of Marshall (4,934,706), and further in view of Naka et al., and further in view of Heath (5,947,424).

Whitchurch in view of Marshall, and further in view of Naka et al. combined show all features claimed by the applicant's invention but do not however show a screw nut on the fixing stud. Putting a screw nut on a set screw, or fixing stud, is well-known in the art and Heath shows a set screw (22) with a nut keeping the screw locked in place. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a screw nut as taught by Heath on the fixing stud by Whitchurch in view of Marshall, and further in view of Naka et al. combined in order to keep the stud in a locked position.

### ***Response to Arguments***

Applicant's arguments filed May 13, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1 and 3-6 have been considered but are moot in view of the new ground(s) of rejection.

However, the Examiner will attempt to address all remaining arguments. The applicant contends that since Whitchurch et al. '468 teaches openings 54 for receiving a lever 56 for turning, Whitchurch et al. '468 teaches away from a polygonal outer contour. To begin, Whitchurch et al. '468 only teaches that openings and a lever **may** be provided. Further, Naka et al. '804 clearly teaches a polygonal outer contour, and doing so would clearly facilitate rotation of the pipe cover.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen '096 and Linse et al. '635 divulge various structures of raised floor holders.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

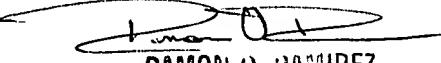
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
June 5, 2003

  
RAMON O RAMIREZ  
PRIMARY EXAMINER  
ART UNIT 3632